

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE: HOT CRETE, LLC, Debtor.	§ § § § § §	Case No. 24-10303-smr Chapter 11
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DEBTOR’S AMENDED MOTION TO ESTABLISH CLAIMS BAR DATE

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN 21 DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

COMES NOW Hot Crete, LLC (the “Debtor” or “Hot Crete”) the Debtor in the above-captioned Chapter 11 Bankruptcy Case, and files this *Amended Motion to Establish Claims Bar Date* (the “Amended Motion”). In support of the Amended Motion, Debtors respectfully state as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this Amended Motion under 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. §157. Venue is proper in this court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The authority for the relief requested herein are sections 105(a), 502(b)(9), 1107(a), and 1108 of the Bankruptcy Code, and Rules 2002(f)(3), 3002, and 3003 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

BACKGROUND

3. The Debtor filed a voluntary petition under Chapter 11, Title 11, of the United States Bankruptcy Code on March 22, 2024, in the United States Bankruptcy Court for the Western District of Texas, Austin Division (the “Court”).

4. On March 26, 2024, the Court filed a Notice of Chapter 11 Bankruptcy Case (Docket No. 5), which did not set the claims bar dates for its creditors or a governmental unit.

5. On July 30, 2024, the Debtor filed its first amended creditor matrix (the “Amended Creditor Matrix”), including over 200 newly added and modified creditor addresses (Docket No. 78).

RELIEF REQUESTED

6. Debtor seeks to establish a deadline for all creditors in this case to file proofs of claim. To the extent any creditors listed on the original mailing matrices did not receive proper notice, Debtor seeks to give all creditors on the Amended Creditor Matrix a final chance to file a proof of claim. Debtor requests that the Court enter an Order establishing the claims bar date forty-five (45) days after entry of the Order (the “Bar Date Order”), attached as the proposed order.

7. Therefore, Debtor respectfully requests that the Court enter the Bar Date Order for creditors and governmental units to file proofs of claim.

8. Debtor further requests that the Court authorize the Debtor to provide notice of the bar dates once the Bar Date Order has been granted.

9. Debtor proposes the following exceptions to the requirement for creditors to file a proof of claim (collectively, the “Excluded Claims”):

- (a) Any pre-petition claim for which a proof of claim against one or more of the Debtor utilizing the claim form which substantially conforms to the Official

Bankruptcy Proof of Claim Form (Form B410) has already been properly filed with the Clerk of the Court;

- (b) Any pre-petition claim of a person or entity (i) whose claim or interest is listed on one or more of the Debtor's schedules; (ii) is not described in such Schedules as "disputed," "contingent," or "unliquidated"; and (iii) who does not dispute the amount, priority, status, or nature of such pre-petition claim or interest as set forth in the Schedules;
- (c) Any pre-petition claim or interest to the extent that such pre-petition claim or interest has been paid by the Debtor with the authorization of the Court; and
- (d) Any pre-petition claim or interest that has been fixed and allowed by an order of this Court entered on or before any bar date established pursuant to this Amended Motion.

10. Debtor believes that the parties noted below, unless considered Excluded Claims, are entitled to notice of the bar dates established herein under Rule 2002 of the Bankruptcy Rules. Debtor is prepared to provide this notice and request authority of this Court to provide such notice. The Debtor proposes to provide actual notice of the bar dates by mailing the Notice of Bar Dates via United States First Class Mail, substantially in the form attached hereto as **Exhibit A**, together with the Official Bankruptcy Proof of Claim Form (Form B410), to the following, unless such party is an Excluded Claim as described above:

- a. The Office of the United States Trustee;
- b. Any holders of pre-petition claims listed on the Schedules at the addresses stated therein;
- c. Any party to an executory contract or unexpired lease with the Debtor;
- d. Any party listed on the mailing matrix;
- e. All persons and entities requesting notice, pursuant to Bankruptcy Rule 2002; and
- f. The district director of the Internal Revenue Service for the Western District of Texas, and all taxing authorities for the jurisdictions in which the Debtor conducts business.

11. Notwithstanding the foregoing, if the Debtor amends its schedules, the Debtor shall mail notice of such amendment to the holder(s) of the claims affected thereby ("Amended Notice") and such holder(s) shall be afforded the later of the established bar dates or twenty days

from the date on which the Amended Notice is mailed (or such other time fixed by the Court), to file proofs of claim, if necessary, or be forever barred from doing so.

WHEREFORE, Debtor respectfully requests that the court enter an Order: (1) establishing a claims bar date for all creditors, including the newly added and modified creditors, to file proofs of claim; (2) authorizing the Debtor to provide notice of the bar dates established; and (3) granting such other and further relief as may be just and proper.

Dated: August 2, 2024

Respectfully submitted,

Hayward PLLC

/s/ Todd Headden

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CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2024, a true and correct copy of the foregoing was served via CM/ECF to all parties requesting such service. Additionally, within one business day thereof, the foregoing without Exhibit A was served via United States First Class Mail to the parties on the attached creditors matrix.

/s/ Todd Headden

Todd Headden

Label Matrix for local noticing
0542-1
Case 24-10303-smr
Western District of Texas
Austin
Thu Aug 1 18:23:30 CDT 2024

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